

**DECLARATION AND POWER OF ATTORNEY FOR  
UNITED STATES PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a United States patent is sought on the invention entitled

**NOVEL SUBUNITS OF NADH DEHYDROGENASE**

the specification of which:

   / is attached hereto.

  X   / was filed on January 17, 1997 as application Serial No. 08/785,065  
and if this box contains an X    /, was amended on \_\_\_\_\_.

   / was filed as Patent Cooperation Treaty international application No. \_\_\_\_\_ on  
\_\_\_\_\_, 19\_\_\_\_, if this box contains an X    /, was amended on under Patent Cooperation  
Treaty Article 19 on \_\_\_\_\_ 19\_\_\_\_, and if this box contains an X    /, was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §119 or §365(a)-(b) of any foreign application(s) for patent or inventor's certificate indicated below and of any Patent Cooperation Treaty international applications(s) designating at least one country other than the United States indicated below and have also identified below any foreign application(s) for patent or inventor's certificate and Patent Cooperation Treaty international application(s) designating at least one country other than the United States for the same subject matter and having a filing date before that of the application for said subject matter the priority of which

is claimed:

Country	Number	Filing Date	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in said prior application(s) in the manner required by the first paragraph of Title 35, United States Code §112, I acknowledge my duty to disclose material information as defined in Title 37 Code of Federal Regulations, §1.56(a) which occurred between the filing date(s) of the prior application(s) and the national or Patent Cooperation Treaty international filing date of this application:

Application Serial No.	Filed	Status (Pending, Abandoned, Patented)

I hereby appoint the following:

**LUCY J. BILLINGS**  
**MICHAEL C. CERRONE**

**Registration No. 36,749**  
**Registration No. 39,132**

respectively and individually, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please address all communications to:

**LUCY J. BILLINGS, ESQ.**  
**INCYTE PHARMACEUTICALS, INC.**  
**3174 PORTER DRIVE, PALO ALTO, CA 94304**

**TEL: 415-855-0555 FAX: 415-845-4166**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**\*IMPORTANT:** Before this declaration is signed, the patent application (the specification, the claims and this declaration) must be read and understood by each person signing it, and no changes may be made in the application after this declaration has been signed.

**Sole Inventor or  
First Joint Inventor:**

Full name: OLGA BANDMAN  
Signature: Olga Bandman  
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**Second Joint Inventor:**

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I hereby certify that this correspondence is being deposited with the United States  
 Postal Service as first class mail in an envelope addressed to: Commissioner  
 for Patents, Washington, D.C. 20231 on 11-29-00  
 By: Nancy Ramos Printed: NANCY RAMOS

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bandman, et al.

Title: NOVEL SUBUNITS OF NADH DEHYDROGENASE

Serial No.: To Be Assigned

Filing Date:

Herewith

Examiner: To Be Assigned

Group Art Unit:

To Be Assigned

Commissioner for Patents  
 Box Patent Application  
 Washington, D.C. 20231

## CERTIFICATE UNDER 37 C.F.R. §3.73(b), REVOCATION OF POWER OF ATTORNEY AND APPOINTMENT OF NEW ATTORNEYS

Sir:

The undersigned has reviewed all the documents in the chain of title of the above-identified patent application and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

Incyte Genomics, Inc., formerly known as Incyte Pharmaceuticals, Inc., having a principal place of business located at 3160 Porter Drive, Palo Alto, California 94304, certifies that it is the assignee and owner of the entire right, title and interest in, to, and under the invention described and claimed in the above-identified application by virtue of an Assignment recorded at Reel 8511, Frame 0341, hereby revokes all previous powers of attorney and appoints the following patent attorneys/agents:

Adam Warwick Bell  
 Lucy J. Billings  
 Michael C. Cerrone  
 Diana Hamlet-Cox  
 Richard C. Ekstrom  
 Barrie D. Greene  
 Matthew R. Kaser  
 Stephen Todd  
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 Reg. No. 36,749  
 Reg. No. 39,132  
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 Reg. No. 44,817  
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Please direct all correspondence to:

Legal Department  
Incyte Genomics, Inc.  
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and direct all telephone calls and facsimile transmissions to: Adam Warwick Bell, D. Phil.,  
Incyte Genomics, Inc., Phone: (650) 621-7542, Fax: (650) 849-8886.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

INCYTE GENOMICS, INC.

Date: 11/17/00

By: Lee Bendekgey  
Lee Bendekgey  
VP, General Counsel/Corporate Secretary